



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 3989-00
29 August 2000

[REDACTED]

Dear LIEUTENANT COMMANDER [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 7220 PERS 822 of 28 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

7220
PERS-822
28 Jul 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BUPERS memo 5420 PERS-00ZCB of 17 Jul 00
(b) DODFMR Vol 7A, Chap 1, Section 010105

Encl: (1) BCNR file

1. Reference (a) request comments and recommendations in subject officer's case. Specifically, Petitioner states his date of rank was incorrect and therefore resulted in under payment of wages.

2. As noted in his BCNR, NAVCRUIT 1070/3 entitled [REDACTED] to 7 years and 9 months of entry grade credit towards his date of rank for LT, with an official date of rank of 6 April 1991. Enclosed in his BCNR application is his Acceptance and Oath of Office (NAVCRUIT 1000/20) to LT with a date of rank effective 6 April 1991. Personnel Support Detachments do not enter date of rank information, they do enter pay entry base dates (PEBD). [REDACTED] stated his date of rank for pay was 25 January 1995. His PEBD is 21 January 1995.

3. We believe the member may be interpreting the entry grade credit as constructive credit. However, per reference (b) member is not entitled to constructive credit.

3. In view of the information above, [REDACTED]'s record appears accurate and no correction of wages is necessary. Enclosure (2) is returned.

[REDACTED]
Assistant Branch Head,
Officer Retirements